

# House Concurrent Resolution No. 91

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

5412H.021

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

2       **WHEREAS**, the Founders of our Constitution empowered state legislators to be  
3 guardians of liberty against future abuses of power by the federal government; and

4       **WHEREAS**, the federal government has created a crushing national debt through  
5 improper and imprudent spending; and

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7       **WHEREAS**, the federal government has invaded the legitimate roles of the states  
8 through the manipulative process of federal mandates, most of which are unfunded to a great  
9 extent; and

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11       **WHEREAS**, the federal government has ceased to live under a proper interpretation of  
12 the Constitution of the United States; and

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14       **WHEREAS**, it is the solemn duty of the states to protect the liberty of our people -  
15 particularly for the generations to come - to propose amendments to the United States  
16 Constitution through a convention of states under Article V to place clear restraints on these and  
17 related abuses of power:

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19       **NOW THEREFORE BE IT RESOLVED**, that the members of the House of  
20 Representatives of the One Hundredth General Assembly, Second Regular Session, the Senate  
21 concurring therein, hereby apply to Congress, under the provisions of Article V of the United  
22 States Constitution, for the calling of a convention of the states limited to proposing amendments

23 to the United States Constitution that impose fiscal restraints on the federal government, limit  
24 the power and jurisdiction of the federal government, and limit the terms of office for its officials  
25 and members of Congress; and

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27 **BE IT FURTHER RESOLVED**, that the General Assembly adopts this application with  
28 the following understandings (as the term "understandings" is used within the context of  
29 "reservations, understandings, and declarations"):

30 (1) An application to Congress for an Article V convention confers no power on  
31 Congress other than to perform a ministerial function to "call" for a convention;

32 (2) This ministerial duty shall be performed by Congress only when Article V  
33 applications for substantially the same purpose are received from two-thirds of the legislatures  
34 of the several states;

35 (3) The power of Congress to "call" a convention solely consists of the authority to name  
36 a reasonable time and place for the initial meeting of the convention;

37 (4) Congress possesses no power whatsoever to name delegates to the convention, as this  
38 power remains exclusively within the authority of the legislatures of the several states;

39 (5) Congress possesses no power to set the number of delegates to be sent by any states;

40 (6) Congress possesses no power whatsoever to determine any rules for such convention;

41 (7) By definition, a Convention of States means that states vote on the basis of one state,  
42 one vote;

43 (8) A Convention of States convened pursuant to this application is limited to  
44 consideration of topics specified herein and no other;

45 (9) The General Assembly of Missouri may recall its delegates at any time for breach of  
46 their duties or violations of their instructions pursuant to the procedures adopted in this  
47 resolution;

48 (10) Pursuant to the text of Article V, Congress may determine whether proposed  
49 amendments shall be ratified by the legislatures of the several states or by special state  
50 ratification conventions. The General Assembly of Missouri recommends that Congress specify  
51 its choice on ratification methodology contemporaneously with the call for the convention;

52 (11) Congress possesses no power whatsoever with regard to the Article V convention  
53 beyond the two powers acknowledged herein;

54 (12) Missouri places express reliance on prior legal and judicial determinations that  
55 Congress possesses no power under Article I relative to the Article V process, and that Congress  
56 must act only as expressly specified in Article V; and

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58           **BE IT FURTHER RESOLVED**, that this application hereby repeals, rescinds, cancels,  
59 renders null and void, and supercedes the application to the Congress of the United States for a  
60 convention under Article V of the Constitution of the United States by this state in Senate  
61 Concurrent Resolution No. 4 as adopted by the Ninety-ninth General Assembly, First Regular  
62 Session; and

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64           **BE IT FURTHER RESOLVED**, that the Chief Clerk of the Missouri House of  
65 Representatives be instructed to prepare a properly inscribed copy of this resolution for the  
66 President and Secretary of the United States Senate, the Speaker and Clerk of the United States  
67 House of Representatives, each member of the Missouri congressional delegation, and the  
68 presiding officers of each of the legislative houses in the several states.

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